

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

APR 5 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

DONNA L. WILLIAMS,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CV 16-143-M-DLC-JCL

ORDER

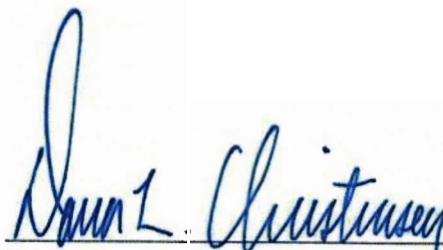
United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation in this case on February 20, 2018, recommending that Plaintiff's request for attorney fees be granted in the amount of \$11,752.10. (Doc. 32 at 6.) Neither party objected to the Findings and Recommendation and, consequently, both parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 32) are ADOPTED IN FULL. Plaintiff's Application for Attorney's Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d) (Doc. 27) is GRANTED in the amount of \$11,752.10.

IT IS FURTHER ORDERED that if, after receiving this Order, the Commissioner: (1) determines upon effectuation of this Order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program; and (2) agrees to waive the requirements of the Anti-Assignment Act, the fees will be made payable to Plaintiff's attorneys. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorneys.

DATED this 5th day of April, 2018.



Dana L. Christensen, Chief District Judge
United States District Court